

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF WHOLESALER )  
INVOLVEMENT IN THE RETAILING )  
OF ALCOHOLIC BEVERAGES )  
\_\_\_\_\_ )

AMENDMENT TO PRIOR  
SPECIAL RULING DATED  
APRIL 4, 2003

BY THE DIRECTOR:

On April 4, 2003, I issued a Special Ruling addressing certain practices involving the shelving and resetting of alcoholic beverage products by wholesale licensees, through their solicitors and display companies, on retail licensed premises, commonly referred to as "packing out."

I recently received a unanimous petition from the Alcoholic Beverage Control Advisory Committee regarding my Special Ruling on "packing out." The Advisory Committee, which met on April 22, 2003, requested that I consider extending the comment period on my Special Ruling from June 9, 2003 to July 9, 2003 and that whatever determination I make on "packing out" after the comment period be effective 30 days after such a determination is made and disseminated by the Division. Additionally, the Advisory Committee requested that I take into consideration seasonal sales in the industry when assigning an effective date to any "packing out" determination.

In response to the Advisory Committee's petition, I hereby reiterate in part and amend in part my Special Ruling of April 4, 2003, as follows:

1. The comment period wherein I will accept written suggestions regarding how to address the issues discussed in the Special Ruling of April 4, 2003, including proposals for a regulatory scheme which would govern "packing out" and related display issues within the confines of alcoholic beverage law, shall continue to end on June 9, 2003. This comment period, which extends over 60 days from the issuance of my April 4, 2003 Special Ruling, provides a sufficient time period for industry response.
2. Restrictions on "packing out," which may take the form of an Amended Special Ruling, shall not become effective until at least 30 days after such a Ruling is issued and disseminated by the Division. The 30-day period will provide the industry with time to prepare for any changes made by this determination.
3. I also note that any changes in business practices regarding "packing out" implemented since my Special Ruling issued April 4, 2003 will be given no consideration or deference as a preexisting practice of the industry.

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JERRY FISCHER  
DIRECTOR

DATED: May 1, 2003